

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Frank Fragnito  
TITLE: POSITIVE ENGAGEMENT CONTINUOUSLY  
VARIABLE TRANSMISSION  
SERIAL NO.: To be assigned  
FILED: To be assigned  
EXAMINER: To be assigned  
GROUP ART UNIT: To be assigned

PETITION TO MAKE SPECIAL

Commissioner of Patents  
Mail Stop Office of the Assistant  
Commissioner of Patents  
PO Box 1450  
Alexandria VA 22313-1450

Applicant hereby petitions the Commissioner of Patents to make the above entitled application special based on Applicant's being over seventy years of age, pursuant to 37 CFR 1.102(c).

The subject matter of the above-identified patent application relates to a variable transmission.

Annexed hereto are the Declarations of Applicant, and Applicant's attorney, Alfred Walker, together with Applicant's birth certificate/baptismal certificate attesting to his age.

The baptism certificate notes that Applicant was born on June 21, 1921.

Based upon the above, it is respectfully submitted that Applicant is entitled to have the above-identified patent application made special, based upon Applicant being over seventy (70) years of age.

Respectfully submitted,

Dated: January\_\_\_\_, 2004

\_\_\_\_\_  
Alfred M. Walker

Petition

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Commissioner of Patents  
Washington DC 20231

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL

Alfred M. Walker, declares:

I am the attorney for the Applicant in the above-identified patent application. I am a member of the bar of the State of New York and a registered Patent Attorney, Registration No. 29,983. I make this Declaration in support of Applicant's (Assignee's) Petition to Make Special in the above-identified application.

The subject matter of the above-identified application relates to **POSITIVE ENGAGEMENT CONTINUOUSLY VARIABLE TRANSMISSION.**

Although a through and careful search was not conducted in the United States Patent and Trademark Office, Applicant has several patents in the field of variable transmissions and is therefore aware of the enclosed prior art in the

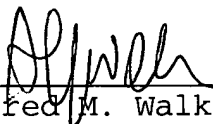
annexed Rule 56 Information Disclosure Statement. These prior art patents have been thoroughly evaluated.

The results of that search are being submitted with the Rule 56 Information Disclosure Statement, and are listed on the enclosed PTO-1449 form.

As a result of reviewing the application and the known prior art, I believe that all of the claims in this application are allowable. All prior references are distinguishable over the claims herein.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further that these statements were made with the knowledge that willful false statements the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this document, the application, or any patent issuing thereon.

Date: January 5, 2004

  
\_\_\_\_\_  
Alfred M. Walker

225 Old Country Road  
Melville, New York 11747-2712  
631-361-8737

a:special

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SERIAL NO.: To be assigned  
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EXAMINER: To be assigned  
GROUP ART UNIT: To be assigned

DECLARATION IN SUPPORT OF PETITION TO MAKE SPECIAL

Frank Fragnito, declares:

I am the Applicant in the above-identified patent application. I make this Declaration in support of my Petition to Make Special in the above-identified application on the grounds of my age.

The subject matter of the above-identified relates to a **POSITIVE ENGAGEMENT CONTINUOUSLY VARIABLE TRANSMISSION.**

As noted on the annexed baptismal certificate, I was born on June 27, 1921. I am therefore 79 years old, and entitled to have my patent application examined expeditiously on a special basis.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this documents, the application, or any patent issuing thereon.

DATED: January 8, 2004

  
Frank Fragnito

**OFFICIAL COPY**

This is to Certify:

that

child of

and

born in

on the 26 day of

(R. D. 1921 was baptized in this church on

The 7 day of Aug - A.D. 1921

According to the rite of the Roman Catholic Church

By the Rev. M. Martiniano

the sponsor being Corrado Luccillo

and Miguel Volpe

as appears from the baptismal register of this church.

*This certificate issued by*

Rev. C. J. K. K. K. Pastor

5 day of Dec - (A.D.) 1943